



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 2537-00

5 October 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the comments of your counsel.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board noted that the thromboembolism which resulted in your placement on the Temporary Disability Retired List (TDRL) had resolved and was asymptomatic at the time you underwent your final periodic examination, and was properly rated at 0% under Department of Veterans Affairs (VA) code 6817. It appears that you were found unfit for duty by the Physical Evaluation Board in large part because you continued to take anticoagulant medication. You did not qualify for a higher rating under code 6817, because your condition was asymptomatic, and you did not have a chronic pulmonary embolism requiring anticoagulant therapy. The fact that you were prescribed anticoagulant medication as a prophylactic measure did not entitle you to a rating in excess of 0%. In addition, the Board did not accept your unsubstantiated contention concerning the poor advice your assigned counsel allegedly gave you prior to your waiving the right to a hearing.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director